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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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| <b>DOUG ROLL,</b><br><br>Plaintiff,<br><br>v.<br><br><b>HAGADONE MONTANA<br/>PUBLISHING, LLC, dba<br/>THE WESTERN NEWS,</b><br><br>Defendant. | Cause No.: <b>CV-17-57-M-DLC</b><br><br><br><br><b>JOINT DISCOVERY PLAN</b> |
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The parties, through their undersigned lead counsel, convened a Rule 26(f) conference, by telephone, on July 5, 2017. During the conference, the parties discussed the following, and submit the following agreements and proposals for a Joint Discovery Plan:

- 1. Initial Rule 26(a) Disclosures. July 14, 2017.**
- 2. The parties shall exchange L.R.16(b) Preliminary Pretrial**

Statements on or before **July 6, 2017**.

**3. Subjects of Discovery.** The parties anticipate the subject matter for discovery will be Defendant's respective liability, if any, under the causes of action set forth in the complaint, and Plaintiff's claims for damages, and Defendants' respective defenses. The parties also anticipate discovery regarding the *opinions* of the parties' respective expert witnesses. This is not an exhaustive list, and the parties reserve the right to do all discovery allowed within the scope of Rule 26.

**4.** The parties have until **August 11, 2017**, to move to amend pleadings to add claims or defenses or move to join additional parties.

**5. Rule 26(a)(2) expert testimony disclosures.**

Parties' Liability; Plaintiff's damages: **October 27, 2017.**

Defendants's damages: **November 27, 2017.**

**6. Discovery Deadline.** **Monday, January 15, 2018.**

**7. Electronic Discovery.** Plaintiff anticipates a need for the preservation, disclosure and discovery of electronically stored information (ESI). The parties have discussed the issue, and agree that no variation from the Federal Rules of Civil Procedure is appropriate in this case. See, e.g., FED. R. CIV. P. 34(b)(2)(E) and (D). Plaintiff anticipates requesting

ESI, as well as specific requests for metadata (data about data). Plaintiff intends to ask that all ESI be produced in the form in which it is ordinarily maintained or, if necessary, translated into a reasonably usable form. The parties agree that a “litigation hold” shall be placed on all ESI in their custody possession or control that could lead to the discovery of admissible evidence to ensure none is despoiled of in the ordinary course of information system backup or maintenance.

## **8. Protection of Privileged and Trial-Preparation**

**Materials.** The parties agree that any privileged materials or work-product otherwise not subject to disclosure or discovery which are inadvertently produced to an adverse party must be returned upon notice of the inadvertent disclosure. A recipient party who knows or has reason to know a document has been inadvertently produced shall notify the producing party as soon as practicable and shall not view or use such information unless the producing party fails to request return after seven (7) calendar days’ notice.

**9. Changes in the Limitations of Discovery.** No changes anticipated.

## **10. Other Orders. A. Other than the Court’s customary**

scheduling order, Plaintiffs do not specially request any particular orders to be issued at this time under Rule 26(c) or under Rule 16(b) and (e). The parties currently anticipate motions for protective orders with regard to personnel files that may be sought. This is not an exhaustive list, and the parties reserve the right seek other protective orders as may be allowed within the scope of Rule 26(c).

**B.** All parties stipulate to the filing of this document. For the purposes of electronic filing under Rule 8 of the ECF Administrative Procedure and Civil Rules 11.1 and 11.2 of the Rules of Procedure of the United States District Court of the District of Montana regarding electronic filing of documents with multiple signatures, all counsel whose signature line(s) appear below consent to the e-filing of this Joint Discovery Plan.

DATED this 6<sup>th</sup> day of July, 2017.

Respectfully Submitted,  
RHOADES, SIEFERT & ERICKSON, PLLC

By: /s/ Nicole L. Siefert  
Nicole L. Siefert  
*Pro Querente*

GARLINGTON, LOHN & ROBINSON, PLLP

By: /s/ Brian J. Smith  
Attorneys for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

DATED this 6<sup>th</sup> day of July, 2017.

By: /s/ Nicole L. Siefert